

Message Text

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ORIGIN ACDA-10

INFO OCT-01 EUR-12 IO-10 ISO-00 AEC-05 CIAE-00 H-01 INR-07

L-02 NSAE-00 OIC-02 OMB-01 PA-01 PM-03 PRS-01 SAJ-01

SAM-01 SP-02 SS-15 USIA-06 TRSE-00 RSC-01 NSC-05

BIB-01 DODE-00 SSO-00 NSCE-00 AECE-00 OES-03 FEA-01

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DRAFTED BY REINHORN:ACDA/IR
APPROVED BY TDAVIES:ACDA/NWT
NSC:DELLIOTT INR:JMARCUM
PM:CFLOWERREE
JCS:FWILSON CIA:JINGLEY
OES(SCI):BLOOM
OSD:TGEORGE C:NTERRELL
S/P:JKAHAN -
AEC:FCHANATRY SS:MR. LUERS
ACDA/YR:C ANDOREN

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P R 272151Z DEC 74
FM SECSTATE WASHDC
TO USMISSION IAEA VIENNA PRIORITY
INFO AMEMBASSY LONDON
USMISSION USUN NEW YORK

C O N F I D E N T I A L STATE 282585

E.O. 11652: GDS
TAGS: PARM, TECH, IAEA
SUBJECT: IAEA PROPOSED ACTIVITIES ON PNES

REF: (A) IAEA VIENNA 10243 (B) IAEA VIENNA 10,89
(C) IAEA VIENNA 10171 (D) IAEA VIENNA 10191
(E) LONDO 16270 (F) IAEA VIENNA 8789

1. WE SHARE DESIRE OF AGENCY AND MISSION TO PRESENT NPT
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REVIEW CONFERENCE AND NEXT UNGA WITH EVIDENCE THAT ORDERLY

PROGRESS IS BEING MADE ON NP, ARTICLE V. WE THEREFORE APPRECIATE AGENCY'S INITIATIVE IN PLANNING SEVERAL TECHNICAL STUDIES ON VARIOUS PNE ISSUES PURSUANT TO UNGA RESOLUTION AND, IN GENERAL, WE SUPPORT AGENCY'S WORK PROGRAM OVER COMING MONTHS.

2. HOWEVER, WE WOULD PREFER THAT DIRECTOR-GENERAL DID NOT, AT PRESENT TIME, USE AUTHORITY GIVEN HIM BY SEPTEMBER 13 BOARD RESOLUTION TO SET UP ORGANIZATIONAL UNIT IN SECRETARIAT. SEPTEMBER RES GAVE DG AUTHORITY TO CREATE SUCH A UNIT "WHEN THE NUMBER AND NATURE OF REQUESTS RECEIVED BY THE AGENCY FOR ASSISTANCE RELATED TO APPLICATION OF SUCH EXPLOSIONS INDICATE THE NEED TO DO SO." WHILE WE RECOGNIZE POSSIBLE POLITICAL UTILITY OF HAVING SECRETARIAT PNE UNIT IN PLACE AT TIME OF NPT CONFERENCE, WE NONETHELESS BELIEVE THAT IT IS NOT NECESSARY TO SET UP UNIT NOW, GIVEN LACK OF REQUESTS CITED IN BOARD RES. CREATION OF UNIT NOW COULD UNDERMINE ARGUMENT THAT, CONSIDERING ABSENCE OF ACTUAL REQUESTS FOR PNE SERVICES, IMPLEMENTATION OF NPT ARTICLE V IS PROCEEDING AT REASONABLE PACE.

3. WE ALSO FEEL IT WOULD BE PREMATURE FOR AGENCY TO ELABORATE MODEL AGREEMENTS FOR PNE SERVICES. WE SEE ADVANTAGE, HOWEVER, IN IDENTIFYING LEGAL ISSUES INVOLVED IN ESTABLISHING AN INTERNATIONAL PNE REGIME AS A BASIS FOR POSSIBLE DEVELOPMENT AT APPROPRIATE FUTURE TIME OF BASIC CONDITIONS TO BE INCORPORATED IN THE AGREEMENTS (SEE DRAFT LETTER, REFTEL B). THIS IS PARTICULARLY THE CASE SINCE WE HAVE INDICATIONS THAT MEXICO AND PROBABLY OTHER DELEGATIONS AT NPT CONFERENCE WILL MAKE AN ISSUE OVER LACK OF PROGRESS IN CONCLUDING SPECIAL AGREEMENTS ENVISAGED IN ARTICLE V. RATHER THAN HAVE NEW ORGANIZATIONAL UNIT EXAMINE THESE LEGAL QUESTIONS, WE BELIEVE THAT IAEA LEGAL DIVISION COULD APPROPRIATELY AND COMPETENTLY HANDLE TASK. A REPORT WHICH IDENTIFIED AND DISCUSSED PRINCIPAL LEGAL ISSUES WITHOUT MAKING RECOMMENDATIONS COULD BE PREPARED BY LEGAL DIVISION, PERHAPS IN CONSULTATION WITH EXPERTS, AND SENT TO BOARD, CONFIDENTIAL

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REVIEW CONFERENCE, AND POSSIBLE PNE COMMITTEE SET UP BY BOARD. WE DO NOT BELIEVE THAT A PANEL OF EXPERTS IS NEEDED FOR THIS PURPOSE AT PRESENT.

4. WE SUPPORT OTHER ELEMENTS OF AGENCY'S "PLAN OF ACTION," INCLUDING PREPARATION OF REPORTS BY WILSON AND ERICSSON AND CREATION OF PANELS OF EXPERTS TO EXAMINE SEPARATE ASPECTS (E.G., ECONOMIC) OF PNES. REPORTS FROM

THESE CONSULTANTS AND PANELS OF EXPERTS COULD MAKE IMPORTANT CONTRIBUTION TO NPT REVIEW CONFERENCE'S CONSIDERATION OF PNE ISSUES AND WOULD BE RESPONSIVE TO REQUEST CONTAINED IN UNGA RESOLUTION. WE AGREE WITH MISSION'S VIEW THAT MEMBERSHIP IN PANELS COULD BE OPEN-ENDED AND THAT PARTICIPANTS SHOULD BE DRAWN FROM BOTH NPT PARTIES AND NON-PARTIES. WE WOULD HOPE THAT AGENCY WOULD DRAW ON EXPERTISE FROM VARIETY OF DISCIPLINES AND THAT EXPERTS WOULD BE REPRESENTATIVE OF BROAD RANGE OF VIEWS ON PNE QUESTIONS. WE WOULD ALSO HOPE THAT IN COURSE OF PANEL DISCUSSIONS, ESPECIALLY ECONOMIC PANEL, ALTERNATIVE, NON-NUCLEAR TECHNOLOGIES WOULD ALSO BE EXAMINED.

5. DRAWING AS APPROPRIATE ON ABOVE, MISSION SHOULD OUTLINE TO AGENCY OUR VIEWS ON IAEA "PLAN OF ACTION." MISSION SHOULD INDICATE US IS WILLING TO PARTICIPATE IN PANELS OF EXPERTS AND WILL ENDEAVOR TO MAKE AVAILABLE A SUITABLE CONSULTANT TO ASSIST IAEA STAFF ON ECONOMIC ASPECTS OF PNES. MISSION SHOULD ADVISE DIRECTOR GENERAL THAT, WHILE WE RECOGNIZE DECISION IS HIS AS RESULT OF AUTHORITY GRANTED BY SEPT. 13 BOARD RES, WE WOULD PREFER THAT SETTING UP OF SECRETARIAT UNIT BE DEFERRED UNTIL LATER DATE, GIVEN ABSENCE OF REQUESTS FOR PNE SERVICES. WE NONETHELESS BELIEVE AGENCY SHOULD BEGIN TO IDENTIFY BASIC LEGAL ISSUES INVOLVED IN ESTABLISHING AN INTERNATIONAL PNE REGIME AND THEREFORE WOULD LIKE TO SUGGEST THAT LEGAL DIVISION, RATHER THAN NEW ORGANIZATIONAL UNIT, BE DIRECTED TO PERFORM THIS FUNCTION.

6. GUIDANCE REGARDING UK PROPOSAL FOR CREATION BY BOARD OF GOVERNORS OF PNE COMMITTEE PROVIDED SEPTEL. BROWN

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